

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

HURD, et al.,

Plaintiffs,

vs.

CLARK COUNTY SCHOOL DISTRICT,
et al.,

Defendants.

Case No.: 2:16-cv-02011-GMN-BNW

ORDER

Pending before the Court is Defendants' Motion for Leave to File Excess Pages in their Response, (ECF No. 186), filed by Clark County School District and Shawn Paquette (collectively, "Defendants"), regarding Plaintiffs' Motion for Attorney Fees and Costs ("Motion for Fees"), (ECF No. 178). Plaintiffs did not file a response. Defendants later filed their Response, (ECF No. 188), to Plaintiffs' Motion for Fees, which exceeds the page limit provided by the Local Rules. *See* LR 7-3(b).

Also pending before the Court is Defendants' Motion to File Sur-Reply, (ECF No. 196), in Response to Plaintiffs' Reply, (ECF No. 190), in support of their Motion for Fees, (ECF No. 178). Plaintiffs filed a Response, (ECF No. 198), in opposition to Defendants' Motion. Defendants did not file a reply.

In their Motion for Leave to File Excess Pages, Defendants argue that good cause exists for the Court to allow them to file a twenty-nine-page brief. (Def.s' Mot. Leave to File Excess Pages, 1:26–2:10, ECF No. 186). Defendant's assert that Plaintiffs' Motion for Fees and the exhibits and declarations in support thereof contain over 600 pages of arguments and supporting exhibits and declarations, which they could not adequately respond to in twenty-four

1 pages. (*Id.*). The Court agrees that good cause exists for Defendants to file a twenty-nine-page
2 Response.

3 In their Motion to File Sur-Reply, Defendants allege that they should have the
4 opportunity to address new arguments Plaintiffs raise in their Reply in Support of their Motion
5 for Fees. (Mot. to File Sur-Reply 2:17–20, 3:9–11). Specifically, Defendants allege that
6 Plaintiffs’ Reply indicates that Plaintiffs’ counsel’s retainer agreement will affect the Plaintiffs’
7 recovery if the full amount of fees requested is not awarded. (*Id.* 2:17–3:7, 3:20–4:9).
8 Defendants argue that they must be appraised of the nature of Plaintiffs’ counsel’s retainer
9 agreement and have the opportunity to address the argument in a sur-reply because, if
10 Plaintiffs’ recovery will depend on the fees and costs awarded, the Court will consider that in
11 determining the award. (*Id.* 4:1–12).

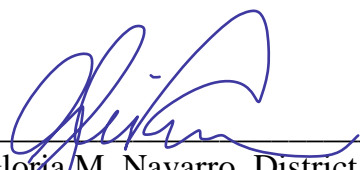
12 In their Response, Plaintiffs argue that they have not raised a new issue that Defendants
13 need to brief, and they provide evidence that the fees and costs the Court awards will in no way
14 affect the amount Plaintiffs recover. (Pl.’s Resp. 2:1–3:16); (*see also* Settlement Checks Paid to
15 Plaintiffs, Exs. 1–2 to Pl.’s Resp., ECF Nos. 198-2–198-3). The Court agrees with Plaintiffs
16 that there are no new issues to which Defendants need to file a sur-reply.

17 Accordingly,

18 **IT IS HEREBY ORDERED**, for good cause shown, that Defendants’ Motion for
19 Leave to File Excess Pages, (ECF No. 186), is **GRANTED *nunc pro tunc***.

20 **IT IS FURTHER ORDERED** that Defendants’ Motion to File Sur-Reply, (ECF No.
21 196), is **DENIED**.

22 **DATED** this 7 day of October, 2019.

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Gloria M. Navarro, District Judge
United States District Court